

Raut, Leena

From: Kathryn Kilgore <kkilgore@industrialincome.com>
Sent: Wednesday, September 17, 2014 4:02 PM
To: Raut, Leena
Subject: RE: IIT Clifton DC/Access Agreement

Leena:

I apologize for the delay. I just left you a voicemail. I will send you a separate email, cc'ing our attorneys, and will ask that they reach out to you directly to get a call set up. Sorry—we're short staffed and are in the middle of budgets on the asset management side, and things are a bit crazy.

Thanks very much,

Kate

Kate Kilgore
Director, Asset Management
Direct: (201) 507-6768
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Rutherford, New Jersey 07070
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From: Raut, Leena [mailto:Raut.Leena@epa.gov]
Sent: Wednesday, September 17, 2014 11:01 AM
To: Kathryn Kilgore
Subject: FW: IIT Clifton DC/Access Agreement

Hi Kate,

It has been several weeks since my email below and months since EPA has received any input regarding its edits to IIT's comments on the access form. We are now ready to move ahead with sampling and need to finalize the access needed. Given IIT's lack of response, EPA is in the process of drafting an access order.

Leena

Leena Raut
Assistant Regional Counsel/Regional Criminal Enforcement Counsel
U. S. EPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007
(212) 637-3122

From: Raut, Leena
Sent: Wednesday, August 27, 2014 10:29 AM
To: 'Kathryn Kilgore'
Subject: RE: IIT Clifton DC/Access Agreement

Hi Kate,

I left a message for you two weeks ago to follow up on this. As I have previously stated, EPA seeks to begin sampling very soon. Please respond immediately. As always, EPA reserves its right to pursue its enforcement options.
Leena

From: Kathryn Kilgore [<mailto:kkilgore@industrialincome.com>]
Sent: Monday, July 28, 2014 10:46 AM
To: Raut, Leena
Subject: RE: IIT Clifton DC/Access Agreement

I followed up with my counsel again this morning. As soon as I have a response, I will be in touch. Thanks.

Kate Kilgore
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From: Raut, Leena [<mailto:Raut.Leena@epa.gov>]
Sent: Wednesday, July 23, 2014 9:33 AM
To: Kathryn Kilgore
Subject: RE: IIT Clifton DC/Access Agreement

Hi Kate,
When can I expect to have comments back from your counsel?
Leena

From: Kathryn Kilgore [<mailto:kkilgore@industrialincome.com>]
Sent: Monday, June 30, 2014 12:19 PM
To: Raut, Leena
Subject: RE: IIT Clifton DC/Access Agreement

Thanks, Leena. I have forwarded your email to both internal and external counsel, and will get back with you as soon as possible.

Kate Kilgore

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From: Raut, Leena [<mailto:Raut,Leena@epa.gov>]
Sent: Monday, June 30, 2014 10:48 AM
To: Kathryn Kilgore
Subject: RE: IIT Clifton DC/Access Agreement

Dear Kate,

Thank you for your comments on our Consent to Access Form. As an initial matter, EPA will not counter-sign the form but certainly recognizes and expects to implement IIT's requirements. Additionally, with respect to formatting, the red-lined version of your comments has the figure of the property super-imposed onto the signature page while the "clean" version has no figure at all. Please send me this figure separately so that I can include it in the final version of the access form when it is sent to IIT for signature. Below is a detailed list of our comments and questions regarding IIT's comments.

- Strikeout of "collecting samples in the Cell...": while EPA understands that IIT is not the owner of the Cell, we wanted additional information as to why IIT wishes to strike this out as the purpose of gaining access from IIT is to traverse its property to get to the Cell for sampling. However, EPA is amenable to removing this language if it is an issue for IIT.
- In the third paragraph, EPA does not agree to including the phrase "EPA shall maintain" as EPA does not maintain insurance itself but instead requires its contractors to maintain insurance for EPA's benefit.
- Please provide the name, address, and contact information for the IIT entity (either the same or different from the consent form's signatory) that wishes to be named as an additional insured.
- EPA does not accept Exhibit B. Therefore, the last phrase in the third paragraph "...as more fully described and set forth in on Exhibit B attached hereto" will be removed in the final version.

Please let me know if you have any questions. Once we agree on the edits, I will prepare the final version and transmit it to you for IIT's signature. EPA hopes to conduct sampling in the near future.

Thanks, Leena

Leena Raut
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From: Kathryn Kilgore [mailto:kkilgore@industrialincome.com]
Sent: Wednesday, June 11, 2014 5:12 PM
To: Raut, Leena
Cc: Justin Boyd
Subject: IIT Clifton DC/Access Agreement

Leena:

Attached for your review is the redline IIT prepared for the Clifton access agreement. We look forward to questions.

Thanks very much,

Kate

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